

Official

3-31-03
RECEIVED#22
m
4.7.03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: G. King

Serial No.: 09/496,549

For: Method and System for Handling
Telecommunications Data Traffic

Filed: February 2, 2000

Group: 2662

Examiner: A. Qureshi

Att'y Dkt.: 1996 P 07613 US 04

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8I hereby certify that this paper is being sent this day
via facsimile to 703-872-9315.Brian K. Johnson
Attorney Name46.808
Reg. No.Brian K. Johnson
SignatureMarch 31, 2003
Date of SignatureReply BriefAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This reply brief is submitted in response to the Examiner's Answer mailed January 28, 2003. On page 5 of the Answer, the examiner asserts that

since the termination unit, *as claimed*, has not been identified as a specific unit performing a specific function, it can be equated to Splitter 50, disclosed by McHale.

Section 11, second paragraph thereunder [*italics in original*]. This assertion ignores the plain meaning of the words of the claim and the specification. "Although the PTO must give claims their broadest reasonable interpretation, this interpretation must be consistent with the one that those skilled in the art would reach." In re Cortright, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999), cited in M.P.E.P. § 2111 (8th ed., August 2001), ¶ 2, p. 2100-47. The examiner's reasoning fails on this ground.

As discussed on page 2 of the brief on appeal, the claimed termination unit is a specific device performing a specific function, and this terminology is used consistently throughout the specification and the claims, appearing in both the preamble and the body of the independent claims. Equating a splitter with a termination unit fosters an interpretation "[in]consistent with the one that those skilled in the art would reach." Id. Therefore, the applicant respectfully requests that the Board reverse the examiner.

Dated: March 31, 2003

Respectfully submitted,

Brian K. JohnsonBrian K. Johnson 04/07/2003 SHMOORE 00000006 192179 09496549
Attorney for Applicant(s)
Reg. No. 46,808Siemens Corporation
170 Wood Avenue South
Iselin, N.J. 08830
(732) 321-3017

01 FC:1251

110.00 CH

SIEMENS

Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Phone: (732) 321-3017
Fax: (732) 590-6411

facsimile transmittal

To: Assistant Commissioner of Patents From: Brian K. Johnson

Fax: 703-872-9315

Date: March 31, 2003

Phone:

Pages: 82 gals

Re: 09/496,549 - 1996P07613US04

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Notes: Attached please find the following documents:

> Notice of Appeal (1 pp)

The information contained in this fax is intended solely for the use of the recipient named above. This fax may contain privileged and/or confidential information, attorney work product or other information protected from disclosure. If you are not an intended recipient of this fax or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this fax in error, and that any review, dissemination, distribution or copying of it is strictly prohibited. If you have received this fax in error, please notify us immediately at the above telephone number and destroy the original transmission. Thank you for your cooperation.

CONFIDENTIAL